

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE
IN AND FOR NEW CASTLE COUNTY

STATE OF DELAWARE,)	
)	
v.)	ID#: 9408012457
)	
JOHN A. TAYLOR,)	
Defendant.)	

Upon Defendant's Third Motion for Postconviction Relief –
SUMMARILY DISMISSED

1. On February 27, 2012, Defendant filed this, his third motion for postconviction relief, stemming from his January 22, 1996 conviction on two counts of unlawful sexual intercourse in the first degree, and related crimes.

2. The conviction was affirmed on March 14, 1997.¹ Defendant's first motion for postconviction relief was denied on October 27, 2000, and the denial was affirmed in December 2001.²

3. Defendant's second motion for postconviction relief was summarily dismissed on July 22, 2010. Meanwhile, Defendant went through the federal court system.

¹ *Taylor v. State*, 690 A.2d 933 (Del. 1997).

² *Taylor v. State*, 788 A.2d 132 (Del. 2001) (TABLE).

4. This motion was properly referred for preliminary consideration.³

Because it plainly appears from the motion and the record that Defendant is not entitled to relief, the motion is subject to summary dismissal.⁴

5. Defendant's motion is very similar to his earlier motions. As he did in his second motion postconviction relief, Defendant attempts to invoke Rule 61's "miscarriage of justice" exception.⁵ Again, that is unavailing.

6. It is difficult to see how the current motion is more than a repackaging of Defendant's previously adjudicated claims. To the limited extent his latest motion is different, his "miscarriage of justice" argument is mostly conclusory. His underlying premise seems to be that if his claims are repeatedly reviewed, eventually they will achieve a better result.

For the foregoing reasons, Defendant's third motion for postconviction relief is **SUMMARILY DISMISSED**. The Prothonotary **SHALL** cause Defendant to be notified.

IT IS SO ORDERED.

Date: May 10, 2012 _____ /s/ Fred S. Silverman
Judge

³ Super. Ct. Crim. R. 61(d)(1).

⁴ *Id.* 61(d)(4).

⁵ *Id.* 61(i)(5).

cc: Prothonotary
James J. Kriner, Deputy Attorney General
John A. Taylor, Defendant